

New York State Department of Environmental Conservation

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Joe Martens
Commissioner

December 15, 2011

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Ms. Cynthia A. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Re: FD 35559 Saratoga and North Creek Railway LLC – Operation Exemption – File # 231173

Dear Ms. Brown:

On behalf of the State of New York ("State") and the New York State Department of Environmental Conservation ("NYSDEC"), please be advised that the Tahawus Line, which is the subject of the above October 25, 2011 filing, traverses over 13 miles, and 220 acres, of State-owned and constitutionally protected Adirondack Forest Preserve land under the jurisdiction of NYSDEC. Not only do the State and NYSDEC have a significant interest in the future use of the land in question, there remain many unresolved legal issues concerning the status of the Tahawus Line, the easement on which it is located, and the uses, if any, to which the Tahawus Line may be put.

The State and NYSDEC asks that you consider our interests and concerns before any action is taken on the request by Saratoga and North Creek Railway, LLC for exemption. Please include my name in any service list regarding this matter and keep me advised of any future developments. If we can provide any other information, please let me know.

Sincerely,

Robert K. Davies
Director
Division of Lands & Forests



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c:

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